

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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PUBLIC INTEREST LITIGATION NO.73 OF 2021

Ganesh Ramesh Nimbalkar

.. Petitioner

Versus

The Union of India & Ors.

.. Respondents

Mr.Vaibhav Kadam a/w Ms.Kanchan Zire and Ms.Aprajita Mahto for the petitioner.

Anjani Kumar Singh for the respondent no.1 UOI.

Mr.P.P. Kakade, GP a/w Mr.M.M. Pabale, AGP for the respondent nos.2 to 8.

CORAM : R.D. DHANUKA

M.S. KARNIK, JJ.

DATE : 13th June 2022

P.C.:-

. By this Public Interest Litigation, the petitioner seeks an order and direction against the respondent no.4 to direct the respondent nos.6 to 8 to produce the list of the dealers who have appointed the sub-dealers and unauthorized dealers in violation of Rule 42 of the Central Motor Vehicle Rules, 1989.

2. We have perused the affidavit-in-reply filed by the respondent nos.6 and 7 which indicates that pursuant to various complaints made by the petitioner, the respondent no.7 has issued notice to all vehicles dealers in the jurisdiction of Nashik vide letter dated 5th October 2020 and has instructed flying squads attached with Nashik Regional Transport Office to take action against unauthorized dealers as per the provisions of Motor Vehicles Act, 1988 and rules made thereunder.

3. Inspectors of Motor vehicles attached to the flying squads, Nashik Region have issued 16 checking memos to different classes of vehicles. A chart showing action taken by Flying Squads is annexed to the affidavit-in-reply. The affidavit further indicates that the respondent no.7 has issued show cause notice to 6 dealers asking as to why trade certificate shall not be suspended/cancelled as per provisions made under Motor Vehicles Act, 1988 and rules made thereunder. The respondent no.7 has already suspended Trade Certificates issued to 6 dealers for the period from 1st April 2021 to 7th April 2021 i.e. for 7 days vide order dated 25th March 2021. Statements made in the affidavit-in-reply filed by the respondent nos.6 and 7 are accepted.

4. We direct the respondent nos.6 to 8 to take those actions/proceedings initiated against the offenders to its logical conclusion and not to permit sub-dealers to carry on any such business without they obtaining proper license required under the provisions of Motor Vehicles Act, 1988 read with Central Motor Vehicles Rules and shall be more vigilant in future.

5. In our view, the purpose of filing this PIL is achieved. The PIL is disposed of accordingly. No order as to costs.

M.S. KARNIK, J.

R.D. DHANUKA, J.